

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Cañones Creek, Section 7

Subfile No.: CHCC-001-0015

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

JEB MCNEIL BINKLEY TRUST
MARGARET BURT BINKLEY TRUST
SARGENT MAC GREGOR BINKLEY TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Cañones Creek, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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LEGAL SERVICES DIVISION

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3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Cañones Creek, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 0434 and 0434-A

Priority: Reserved for future determination by court order entered November 26, 2001.

Source of Water: Surface water of Cañones Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: DAGGETT DITCH NO. 4

Location X: 1,553,265 feet **Y:** 2,116,950 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	41.2 acres
Total	41.2 acres

As shown on the 2000 Hydrographic Survey Map CHCC- 1.

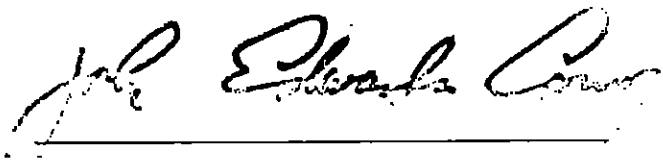
Amount of Water: Reserved for future determination by court order entered November 26, 2001.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Cañones Creek, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Cañones Creek, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Cañones Creek, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

ACCEPTED: Edmund S. Binkley
JEB MCNEIL BINKLEY TRUST

ADDRESS: 305 Quinns Hill Ave
Los Altos, CA
94024

DATE: 3/15/03

ACCEPTED: Edmund S. Binkley
SARGENT MAC GREGOR BINKLEY TRUST

ADDRESS: 305 Quinns Hill Ave
Los Altos, CA
94024

DATE: 3/15/03

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

4.2.03
Date

ACCEPTED: Edmund S. Binkley
MARGARET BURT BINKLEY TRUST

ADDRESS: 305 Quinns Hill Ave
Los Altos, CA
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DATE: 3/15/03